

**REMARKS**

By this Amendment, Applicant hereby adds new claim 10, hence, claims 1-10 are all the claims pending in the application. Applicant hereby amends claims 1-9 merely to improve clarity. Applicant respectfully submits the amendments and new claim do not contain new matter.

**Preliminary Matters**

Applicant thanks the Examiner for kindly acknowledging Applicant's claim for foreign priority, and the receipt of the certified copies of the priority document. Applicant also thanks the Examiner for returning an initialed copy of the SB/08 submitted on September 29, 2003.

**Oath/Declaration**

The Examiner asserts that the oath or declaration is defective for not identifying the specification. As discussed in MPEP 602(VI), a declaration must identify the application to which it is directed, and may do so by listing the names of the inventors and the title of the application. The declaration submitted on September 28, 2003 lists the inventors and states the Title of the application. Accordingly, the Examiner is requested to remove the objection since the declaration is in compliance with USPTO rules.

**Specification Objections**

The disclosure is objected to because of informalities. By this Amendment Applicant has amended the specification as requested. Accordingly, Applicant requests that the Examiner withdraw the objections.

**Claim Objections**

Claims 2-4 and 6-9 are objected to because of informalities. Applicant hereby amends claims 2-4 and 6-9 to improve clarity, and respectfully requests that the Examiner withdraw the objection of claims 2-4 and 6-9.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1 and 5 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dang, *et al.* (U.S. Patent Publication No. 2003/0189896; hereinafter “Dang”). Applicant respectfully traverses the prior art rejection.

Claim 1 relates to a method of re-configuring a network element of a transmission network to restore traffic after a failure. Claim 1 (as amended) recites:

1. generating a configuration request to implement a new cross-connection through said network element,
2. performing said configuration request in a fetch-ahead phase comprising only configuration steps essential for fast implementation of said new cross-connection and skipping security related configuration steps thereby providing reduced security against process restarts; and
3. performing said configuration request in a consolidation phase comprising said skipped security related configuration steps.

Dang relates to a method and apparatus for restoring a routed connection through a network after a connection failure. A head node becomes aware of a connection failure in a network upon receipt of a “fast link state announcement” that a failure has occurred. *See* Dang, par. [0032]. Next, a connection route through the network is restored in a two stage restoration procedure.

The first stage comprises, routing a new reduced constraint path, and then establishing a new reduced constraint connection. The reduced constraint connection does not satisfy any service level agreements (SLA). *See* Dang, par. [0034]. The second stage comprises routing a

fully constrained path and establishing a fully constrained connection, which satisfies the SLA's.  
*See* Dang, par. [0035].

Applicant respectfully submits that Dang does not disclose “a new cross-connection through a network element”, as recited in claim 1. As described above, Dang is concerned with reestablishing a connection path through a network, as opposed to the method by which individual network elements implement a new cross-connection through a network element. Claim 1, however, recites “generating a configuration request to implement ***a new cross-connection through said network element***”. Paragraph [0032] of Dang, which the Examiner cites as allegedly disclosing “generating a configuration request to implement a new cross-connection through said network element”, merely discloses a “fast link state announcement” which informs a head node of a network connection failure, but does not implement a “new cross-connection”, as recited in claim 1.

Furthermore, Applicant respectfully submits that Dang fails to disclose

4. performing said configuration request in a fetch-ahead phase comprising only configuration steps essential for fast implementation of said new cross-connection and skipping security related configuration steps thereby providing reduced security against process restarts;
5. and performing said configuration request in a consolidation phase comprising said skipped security related configuration steps.

As explained above, Dang discloses that a failed network path is rerouted first over a network path that does not fulfil quality of service criteria defined in the SLA, and then a second path is determined that fulfils the quality of service criteria defined in the SLA. Hence, traffic that formerly travelled on the failed connection is re-routed two times. However, claim 1 recites only a single “configuration request” that is performed in two phases.

Establishing an internal cross connection in a network element is a cumbersome task. The establishing process has to go through different software layers inside a network element, create a number of messages and reports, invoke other software functions, make configuration data persistent to secure against system crashes, etc. The process takes time. The invention divides the steps of establishing the cross connection into two phases: a fetch ahead phase which only takes those steps mandatory for establishing the cross connection, and a second phase that takes the remaining steps. *See* Specification at pg. 9. The cross connection, however, once established in the first phase, does not change during the second phase, rather, it is just finished.

Dang, on the other hand, discloses first establishing a low quality path through a network, and then later, establishing a new, better quality path.

Applicant respectfully submits that independent claim 2 is not anticipated by Dang under 35 U.S.C. § 102(b) because the reference does not disclose all of the features of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 2.

Applicant respectfully submits that independent claim 5 recites features similar to claim 2, except in apparatus form, and is *at least* patentable based on the same reasoning. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 5.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 2 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dang in view of Ardis, *et al.* (U.S. Patent No. 6,591,373; hereinafter “Ardis”). Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dang in view of Legge (“Change

your screen resolution: it could be a whole new ballgame”). Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dang in view of Jakel, *et al.* (CA 02272425; hereinafter “Jakel”) and Haakana, *et al.* (U.S. Patent No 6,801,774; hereinafter “Haakana”).

Applicant respectfully submits that neither Ardis, Legge, Jakel, nor Haakana compensates for the deficiencies of Dang. Therefore, Claims 2 -4 and 6-9 would not have been obvious under 35 U.S.C. § 103(a) because the applied references, alone or in combination, do not teach or suggest all of the features of the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-4 and 6-9.

#### **New Claim**

Applicant respectfully submits that new claim 10 is *at least* patentable by virtue of its dependent from claim 1.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.S. Application No. 10/671,671

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Art Unit 2109

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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